

Serial No.: 10/027,079
Examiner: Tran, Khoa H.
Reply to Office Action of Aug. 26, 2003

REMARKS

This Response is supplemental to the Response to Office Action filed on October 29, 2003. By this Supplemental Response, Applicants have amended independent claims 14, 34, and 40 to more clearly define the invention. The amendments do not relate to any patentability issues, and therefore, should not raise patent prosecution history estoppels. The original specification and the drawings support the amendments. No new matter has been presented by this amendment.

Applicants believe that none of the cited references or their combinations disclose a central channel having two opposite ends being in contact with two opposing ends of said at least two side channels. Therefore, the new amended claims should also be patentable over the cited prior art references.

The paragraph 2 at page 6 of the Office Action dated August 26, 2003 was overlooked by Applicants in the Response filed on October 29, 2003. Applicants herein submit a supplemental argument in response to the rejections to claims 14, 16, 19, and 21 under 35 U.S.C. 103(a) in paragraph 2 at page 6 of the Office Action dated August 26, 2003.

Claims 14, 16, 19, and 21-Rejections under 35 U.S.C. 103(a)

Claims 14, 16, 19, and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,279,756 to Walter et al. in view of U.S. Patent No. 6,179,133 to Reece.

Claim 14 is an independent claim and claims 16, 19, and 21 depend from claim 14. In the amendment filed on October 29, 2003, Applicants have amended independent claim 14. In view of the amendment and the following arguments, Applicants respectfully submit that independent claim 14 and dependent claims 16, 19, and 21 are patentable over Walter et al. and

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Reccc whether considered independently or in combination, and respectfully request reconsideration and withdrawal of the rejections of claims 14, 16, 19, and 21.

Independent claim 14, from which claims 16, 19, and 21 depend, now recites a rack system for electrical equipment having angle inserts including vertical plates positioned parallel to and against the upright members and horizontal plates positioned parallel to and against the bottom plate, and at least two side channels each extending at an angle between the horizontal plates of the angle inserts and the vertical plates of the angle inserts, each side channel having two ends being respectively affixed to the horizontal plates and the vertical plates, and a central channel extending horizontally between the side channels. The angle inserts and the side channels strengthen the angle conjunctions between the base plate and the upright members. The central channel further strengthens the rack system via the side channels.

Walter et al. discloses a rack having two gussets 20A and 20B, and two inclined inverted U-shaped cross section channel members 20A' and 20B' as shown in FIG. 4. The rack disclosed in Walter et al. does not have a central channel extending between two side channels to reinforce the rack, as required in claim 14. Furthermore, as indicated in the Office Action, Walter et al. does not disclose the angle inserts having horizontal plates positioned parallel to and against the bottom plate and vertical plates positioned parallel to and against the upright members.

Reece neither teaches or suggests a rack having angle inserts, which include vertical plates positioned parallel to and against the upright members and horizontal plates positioned parallel to and against the bottom plate. Reece also does not teach or suggest side channels extending between vertical plates and horizontal plates of the angle inserts, or a central channel extending between the side channels.

Therefore, Walter et al. and Reece, either considered along or in combination, do not teach or suggest the present invention as claimed in independent claim 14. Applicants

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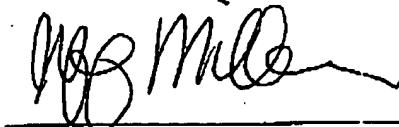
respectfully submit that independent claim 14 and dependent claims 16, 19, and 21 are not obvious for a person having ordinary skill in the art in view of Walter et al. and Reece either independently or in combination. Claims 14, 16, 19, and 21 should be patentable over Walter et al. in view of Reece.

Conclusion

Applicants respectfully submit that in view of this Supplemental Response and the Response filed on October 29, 2003, claims 1-21, 24-34, and 36-47 are patentable over the cited references, whether considered alone or in combination, and respectfully request reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. 103(a). If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

No additional costs are believed to be due in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to our Deposit Account No. 50-1133.

Respectfully submitted,
McDermott, Will & Emery



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